

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Patent#: 6,080,428
TOTAL AMOUNT OF PAYMENT		Filing Date	Issued: June 27, 2000
(\$) 100.00		First Named Inventor	David J. Bova
		Examiner Name	Jyothsna Venkat
		Art Unit	N/A
		Attorney Docket No.	20718/0204135-USO

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 04-0100 Deposit Account Name: Darby & Darby P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☐ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

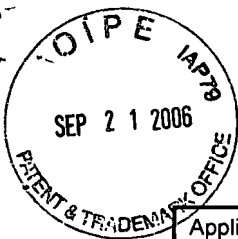
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 _____ (round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>1811 Certificate of correction</u>	<u>100.00</u>

SUBMITTED BY		Registration No.	Telephone
Signature		(Attorney/Agent) 52,392	(212) 527-7700
Name (Print/Type)	Paul M. Zagar	Date	September 21, 2006

OCT - 2 2006



Application No. (if known): 08/368,378

Attorney Docket No.: 20718/0204135-US0

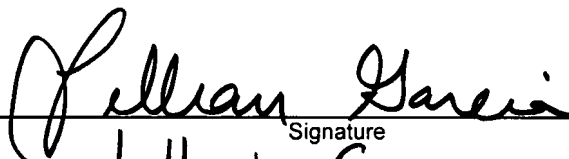
Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. _____ in an envelope addressed to:

EV 834732721-U

Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 21, 2006
Date



Signature

Lillian Garcia

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page);

Request for Certificate of Correction (Fee Required) (3 pages);

Certificate of Correction (2 pages);

Check No. 12563 in the amount of \$100.00; and
Return postcard.

OCT - 2 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,080,428
APPLICATION NO. : 08/368,378
ISSUE DATE : June 27, 2000
INVENTOR(S) : David J. Bova

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At column 2, line 28, please delete the phrase "18 or 78 percent" and insert the phrase --12 or 52 percent --.

At column 11, line 46, please delete the phrase "had 18 of 23, or 78 percent" and insert the phrase --had 12 of 23, or 52 percent--.

OCT - 2 2006

MAILING ADDRESS OF SENDER:
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257

Patent No.: 6,080,428

At column 10, line 51 to column 11, line 43, please replace Table VIII with the following replacement table:

TABLE VIII
A Comparison of Changes in Liver Function Tests

	DOSE							
	0	500	1000	1500	2000	2500	3000	TOTAL
McKenney SR ^b Niacin								
AST	23.8	27.9	40.4	36.6	56.5	na	97.0	
%	--	117	170	154	237	na	408	
Invention Dosage ^c								
AST	24.3	na	23.7	27.5	26.6	27.6	27.8	
%	--	na	98	113	109	114	114	
McKenney SR Niacin								
AST	25.6	29.5	36.3	39.0	59.1	na	100.0	
%	--	115	142	152	231	na	391	
Invention Dosage								
ALT	21.4	na	18.7	22.6	21.3	22.4	21.8	
%	--	na	87	106	100	105	102	
McKenney SR Niacin								
ALK	95	95	106	105	136	na	135	
%	--	100	112	111	143	na	142	
Invention Dosage								
ALK	74.7	na	73.9	76.1	73.4	76.7	78.0	
%	--	na	99	102	98	103	104	
McKenney SR Niacin								
Drop	--	0	1	2	4	na	5	12
n	--	--	--	--	--	--	--	23
%	--	0	4	9	17	na	22	52
Invention Dosage								
Drop	--	--	0	0	0	0	0	0
n	--	--	26	67	97	35	15	240
%	--	--	0	0	0	0	0	0
1 year	--	--	15	47	77	31	15	184
1 year	--	--	58	69	79	89	100	77

Dosed twice-per-day as described in "A Comparison of the Efficacy and Toxic Effects of Sustained - vs. Immediate - Release Niacin in Hypercholesterolemic Patients" by McKenney et al., *Journal of the American Medical Association*, March 2, 1994; Vol. 271, No. 9, pages 672-677.

^b SR is "sustained release"

^c Dosed once-per-day at night

OCT - 2 2006